



## When in Doubt



### Scenario:

You are almost done with your great American novel. But something is missing. Then it hits you.

“I know what will make this perfect! The lyrics from *Yesterday* by the Beatles.

Excited, you add those lyrics to your manuscript. Your masterpiece is done and ready to turn into your publisher.

But is it?

The publisher’s editor tells you to delete the song lyrics from the manuscript because they are copyrighted.

You argue with the editor, citing with some authority “fair use” and copyright law. “I used only a small part of the song, so it’s OK.”

The editor responds, “In this case, fair use does not apply to song lyrics.” The editor explains that asking use permission from any copyright holder is a legal nightmare and not worth it, especially when it comes to a one-time payment and/or licensing fees.

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We want to hear from you!  
Contact Publishing Syndicate at  
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## When in Doubt

### The latest—and a friendly disclaimer:

Disclaimer: The information following this disclaimer is offered as friendly advice. In no way is this information offered as professional legal advice from Publishing Syndicate.

Over the years, quoting song lyrics was never OK, but writers did it anyway because it was nearly impossible for copyright holders to track. If you quote lyrics in your work from songs written after 1923, be on alert that somebody owns the copyright and rarely do they allow use without a licensing fee. And because so many authors have referenced song lyrics in books, the publishing industry has gone with a norm of not printing more than five words in a row from a song. For example, “You light up my life” would be fine.

The same goes for pulling information from another’s book without his/her permission. A quote or two is fine, and sometimes authors will make reference to the other’s book, but beware. Things are changing.



Before the Internet arrived on the scene, very few copyright infringement and plagiarism cases were brought to court. Today, via the Internet’s search engine capabilities, it is now easier than at any time in our country’s history to identify “illegal” use of one’s copyrighted work. For this reason, there has been an explosion of litigation regarding copyright infringement and fair use.

### Fair use:

Fair use—the ability to use short quotes from others’ works without their permission—is something found only in U.S. copyright law. But there are significant restrictions, especially if you are using those words in a profit-making publication such as a novel or short story. Even if you follow generally accepted guidelines for Section 107 of the U.S. Copyright Act, the copyright owner can still file a lawsuit against you and you must then prove you have not infringed on their copyright or reduced their income stream. If your work is for nonprofit educational uses, you can likely get away claiming fair use. If you are using those protected paragraphs or song lyrics in a commercial business-related situation, be prepared to pay up.

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## When in Doubt

When are you reasonably safe quoting parts of another's copyrighted work? If you are quoting facts, then it will likely be OK, but if those "facts" are derived from proprietary research, that's another story. As far as quoting only a "small percentage" of a work, there are no set rules on this. If those 10 words you copied without permission from someone's 200,000 word book are considered a significantly important aspect of the entire work, you may have legal troubles.

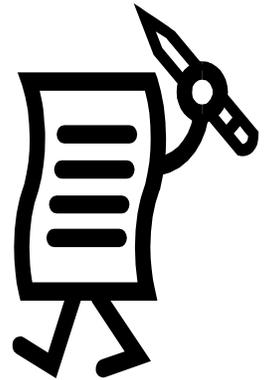
Some general guidelines for the fair-use rule:

- Commentator or reviewer who uses excerpts in a verbal or written review
- News reporter using excerpts for relevant and timely news
- Doing research for a recognized educational institution
- Writing a true parody of someone else's work

But in the examples above—and any other relevant scenarios—the copyright holder has the right to claim infringement and he or she can still sue.

Regardless if you end up in court or not, your legal costs and the time involved may be more trouble than getting permission and possibly paying a licensing fee in the first place.

Best advice? Obtain permission. When in doubt? Leave it out.



### Copyright and Licensing Information

- Copyright Clearance Center: [www.copyright.com](http://www.copyright.com)
- Harry Fox Agency: [www.harryfox.com](http://www.harryfox.com)
- The American Society of Composers, Authors and Publishers: [www.ascap.com](http://www.ascap.com)
- Broadcast Music, Inc.: [www.bmi.com](http://www.bmi.com)

Beginning in 2014, Publishing Syndicate will heed our own advice when it comes to using song lyrics in all published works, including NYMB stories. In most cases, song lyrics will be avoided altogether. But it is OK to make reference to a song or identify it by name.

If you have already submitted a NYMB story with song lyrics, please do not resubmit your story with the words omitted. If that story is picked up for consideration, the co-editor will work with you to make the needed changes. For those books under production (*On Being a Mom* and *On Family*), lyrics may remain in certain stories or the stories will be reworked.

## SEND IN YOUR STORIES!

Updated 12/30/13

### Book Updates...



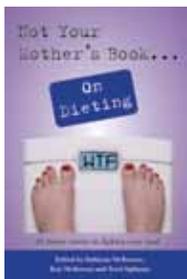
Nothing new to report as of today's date. January will bring with it new changes at Publishing Syndicate. More next month.

### *Not Your Mother's Book...*

## A new anthology for a new century!

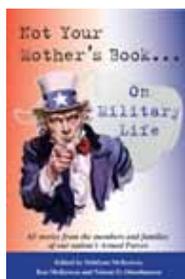
Stories needed for 30+ new books. Must be written by people age 18 and up. Details and submission guidelines on the PS website.

### **UPCOMING DEADLINES:**



**On Dieting:**  
Mar. 1, 2014

**On Military Life:**  
June 1, 2014



**Submission guidelines at**  
[www.PublishingSyndicate.com](http://www.PublishingSyndicate.com)

### **OMG! My Reality! Youth Series**

## Time to get published!

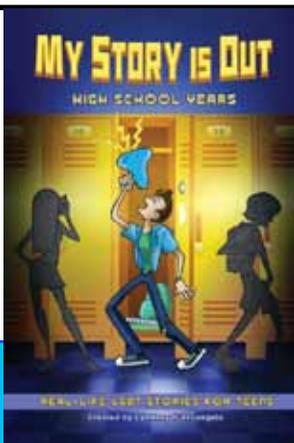
We are accepting stories for three *OMG! My Reality!* titles: *Kids*; *Preteens*; and *Teens*. Stories must be written by those age 25 and younger. Please share this information with everyone. Thanks!



Do you know a teenager who loves to write? Tell him/her to submit stories to the upcoming *OMG! My Reality! For Teens*. **Being a published author is great for college and job applications.** With the fall 2013 release of *Stand Up!*, an anthology with stories from 75 of the nation's and world's most amazing young activists, we'll be swamped with even more submissions. So don't delay! Send now!

[www.PublishingSyndicate.com](http://www.PublishingSyndicate.com)

**Help young people become published authors!**



## **My Story is Out: High School Years**

Created by Lyndsey D'Arcangelo

**The nation's newest anthology for LGBT teens!**

We are looking for humorous, heart-warming, wistful and inspiring stories written by straight, lesbian, gay, bisexual and transgender individuals **of all ages** about high school life. More info at [www.MyStoryIsOut.com](http://www.MyStoryIsOut.com).